CLMA 5846 of 2004

In

W.P. 168 of 2003 (M/B)

Hon. P.C. Pant, J.

This is an application for early hearing of the writ petition No. 168 (M/B) of 2003.

Heard learned counsel for the parties.

Admittedly, the petitioner was an employee of private Institute and her services appear to have been terminated by said Institute. It is settled principle of law that the writ jurisdiction does not lie as against the private persons in such matters.

Learned counsel for the petitioner drew my attention to the judgment of Apex Court passed in T.M.A. Pai Foundation case reported in 2002 (9) Judgment Today pg. 1 and submitted that there is no other forum for seeking the remedy to challenge the impugned order of termination.

In the opinion of this Court all such disputes which are not either expressly or impliedly barred by any law lie in the Civil Court under Section 9 of Code of Civil Procedure, 1908.

In view of the settled position of law that the petitioner could have sought her remedy before the Civil Court, this writ petition doesn't appear to be maintainable. As such the writ petition is dismissed with the observation that the State Government, if likes may take steps for constitution of the Tribunals or for nominating judicial officers in consultation with High Court in the light of paragraph 64 of T.M.A. Pai Foundation case (Supra).

(P.C. Pant, J.)

Dt. 12.10.2004

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